

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

<u>Portia A. Boulger,</u> Plaintiff(s)	:	Case No. <u>2:17-cv-186</u>
	:	District Judge: <u>Smtih</u>
	:	Magistrate Judge: <u>Deavers</u>
vs.	:	
<u>James H. Woods,</u> Defendant(s).	:	RULE 26(f) REPORT OF PARTIES
	:	(to be filed no fewer than seven (7)
	:	days prior to the Rule 16 Conference)
	:	

1. Pursuant to Fed.R.Civ.P.26(f), a meeting was held on 07/05/2017 and was attended by:

PLAINTIFFS:

Nathaniel Zachary West (0087805)
511 West First Avenue, Unit 205
Columbus, OH 43215
Telephone: (614) 208-0230

Joseph E. Sandler (Pro Hac Vice)
Sandler Reiff Lamb Rosenstein &
Birkenstock, PC
1025 Vermont Ave., N.W., Suite 300
Washington, D.C. 20005
Telephone: (202) 479-1111
Facsimile: (202) 479-1115

DEFENDANT:

Patrick Kasson (0055570)
pkasson@reminger.com
REMINER CO., L.P.A.
200 Civic Center Drive, Suite 800
Columbus, OH 43215
Telephone (614) 232-2418
Facsimile (614) 232-2410
Attorney for Defendant

2. **Consent to Magistrate Judge.** The parties:

 unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. §636(c).

 X do not unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. §636(c).

3. **Initial Disclosures.** The parties:

 have exchanged the initial disclosures required by Rule 26(a)(1).

 will exchange such disclosures by _____.

 are exempt from such disclosures under Rule 26(a)(1)(E).

 X have agreed not to make initial disclosures.

4. **Jurisdiction and Venue**

a. Describe any contested issues relating to: (1) subject matter jurisdiction, (2) personal Jurisdiction and/or (3) venue:

Defendant Woods has not been served. In addition, Defendant Woods contests personal jurisdiction. Plaintiff contends that Defendant has waived lack of personal jurisdiction and insufficient service by failing to include it in his Rule 12 Motion for Judgment on the Pleadings.

b. Describe the discovery, if any, that will be necessary to the resolution of issues relation to Jurisdiction and venue:

None.

c. Recommended date for filing motions addressing jurisdiction and/or venue:

The parties recommend that this be addressed after the Motion for Judgment on the Pleadings has been decided.

5. **Amendments to Pleading and/or Joinder of Parties**

a. Recommended date for filing motion/stipulation to amend the pleadings or to add additional parties: 08/01/2017

b. If class action, recommended date for filing motion to certify the class: _____

Not applicable.

6. **Recommended Discovery Plan**

a. Describe the **subjects** on which discovery is to be sought and the nature and extent of discovery that each party will need:

The parties recommend the discovery be stayed pending a Decision on the Motion for Judgment on the Pleadings. If the Plaintiff's win the Motion for Judgment on the Pleadings, the parties anticipate that discovery will be had on the Plaintiff's claims, the Plaintiff's damages and the Defendant's defenses. The parties anticipate that each will take depositions of the parties, and possible third parties, and each party will produce documents to the other party relevant to claims and defenses.

b. What **changes** should be made, if any, in the limitations on discovery imposed by the Federal Rules of Civil Procedure or the local rules of this Court?

None, with the exception the parties recommend that discovery be stayed pending the Decision for the Motion for Judgment on the Pleadings.

c. The case presents the following issues relating to disclosure or discovery of **Electronically stored information**, including the form or forms in which it should be produced:

None.

d. The case presents the following issues relating to claims of **privilege or of protection as trial preparation materials**:

None.

i. Have the parties agreed on a procedure to assert claims **AFTER** production?

 X No

 Yes

 Yes, and the parties ask that the Court include their agreement in an Order.

e. Identify the discovery, if any, that can be **deferred** pending settlement discussion and/or Resolution of potentially dispositive motions:

The parties recommend that all discovery be stayed pending a Decision on the currently pending Motion for Judgment on the Pleadings.

f. The parties recommend that discovery should proceed in **phases**, as follows:

If the Motion for Judgment on the Pleadings is denied, the parties do not recommend any phase discovery.

g. Describe the areas in which **expert testimony** is expected and indicate whether each expert will be specially retained within the meaning of Fed.R.Civ.P.26(a)(2):

The Defendant may have expert witnesses such as an independent psychological examiner, an expert on media and internet content. Plaintiff does not believe any issue relating to liability is the proper subject of expert testimony but reserves the right to designate rebuttal experts.

i. Recommended date for making **primary expert designations**:

The parties recommend staying setting dates, pending a resolution of the Motion for Judgment on the Pleadings.

ii. Recommended date for making **rebuttal expert designations**:

The parties recommend staying setting dates, pending a resolution of the Motion for Judgment on the Pleadings.

h. Recommended discovery **completion date**: The parties recommend staying setting dates, pending a resolution of the Motion for Judgment on the Pleadings.

7. **Dispositive Motion(s)**

a. Recommended date for filing dispositive motions: The parties recommend stating setting dates pending a resolution of the Motion for Judgment on the Pleadings.

8. Settlement Discussions

a. Has a settlement demand been made? No A Response? No

b. Date by which a settlement demand can be made: 09/01/2017

c. Date by which a response can be made: 10/01/2017

9. Settlement Week Referral

The earliest Settlement Week referral reasonably likely to be product is the

 March 2017 Settlement Week

 June 2017 Settlement Week

 September 2017 Settlement Week

 X December 2017 Settlement Week

10. Other matters for the attention of the Court:

None.

Signatures:

Attorney(s) for Plaintiff(s):

Nathaniel Zachary West
Ohio Bar# 0087805
Trial Attorney for Plaintiff

Joseph E. Sandler
Ohio Bar# Pro Hac Vice
Trial Attorney for Plaintiff

Attorney for Defendant(s):

/s/ Patrick Kasson
Ohio Bar# 0055570
Trial Attorney for Defendant